



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 2031-01
15 January 2002



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 January 2002. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that on 31 July 1995, you advised officials of your Naval ROTC (NROTC) unit that you were withdrawing from the NROTC program, and "would not return in the fall". You cited your engagement to be married and changes in your moral and religious views as reasons for your decision. In addition, you indicated that your health, life and needs of your family "came first", that you had been "unhappy, sick off and on, experiencing migraine headaches and neck problems this past semester during NROTC", and that you were seeking [mental health] counseling. As you failed to enroll in Naval Science classes as required, a Performance Evaluation Review Board (PERB) convened on 18 September 1995 to consider your case. The PERB recommended that you be disenrolled from the NROTC program, required to repay your scholarship tuition, and ordered to active duty to fulfill your remaining service obligation. The Commanding Officer, NROTC Unit, University of Wisconsin, concurred with those recommendations and notified you of his concurrence on 18 September 1995. On 4 January 1996, the Chief of Naval Personnel advised the Secretary of the Navy that you were being disenrolled from the NROTC program because of your failure to enroll in Naval Science classes, and recommended that your

appointment as a midshipman be terminated. He noted that you had incurred a two-year active enlisted service obligation, but stated that your "...uncooperative behavior and unwillingness to accept responsibility for your actions or resolve his situation warrants my recommendation that he repay the cost of his education in lieu of active enlisted service." The Secretary of the Navy approved those recommendations, and directed that you be discharged from the Naval Service.

The Board was not persuaded that your disenrollment from the NAVAL ROTC program and discharge from the Navy were erroneous or unjust. In this regard, it noted that you, in effect, disenrolled yourself from the program by refusing to enroll in required Naval Science classes, and then attempted to procure a favorable separation for medical reasons. The Board concluded that your belief that you were not medically qualified for continuation in the NROTC program did not excuse your failure to enroll in Naval Science classes, or warrant the correction of your record to show that you were medically disqualified. Your uncorroborated contention to the effect that you submitted medical records in support of a request for a medical separation, and that those records were improperly withheld from authorities who reviewed the PERB findings and recommendations, was rejected by the Board. In addition, it noted that although it is possible that you would have been found medically disqualified for commissioning had you to participate in the NROTC program during the fall of 1995, it is not a certainty. It is clear that you had no entitlement to a discharge for medical reasons.

In view of the foregoing, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director